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PATENT APPLICATION
File No.: 00-42

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3-13-03
P.T.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Cindy A. Sprecher et al.

Serial No.: 09/829,949

Group Art Unit:

Filed: June 26, 2001

Examiner:

For: CYTOKINE RECEPTOR ZCYTOR17

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Technology Center 2600

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

Box SN
Commissioner for Patents
Washington, DC 20231

Sir:

I hereby certify that the attached correspondence comprising:

1. Return Postcard
2. Response to Notice of Omitted Item(s) in a Nonprovisional Application (in duplicate)
3. Copy of Notice of Omitted Item(s)
4. Copy of postcard received by USPTO for 60/267,963, filed February 8, 2001 showing 5 sheets of drawings
5. Figure 2 (2 pages)

is being deposited with the United States Postal Service under 37 C.F.R. 1.8 as first class mail in an envelope addressed to:

Box SN
Commissioner for Patents
Washington, DC 20231

on February 22, 2002.

Marianne Carello
Marianne Carello



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RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION
FILED UNDER 37 CFR 1.53(b)

Box SN
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

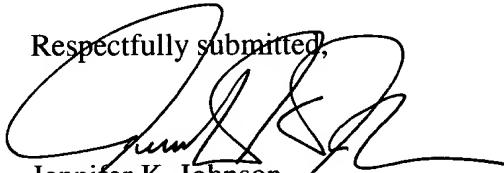
In timely response to the Notice of Incomplete Nonprovisional Application dated January 25, 2002 (a copy thereof is attached hereto), this petition is being filed within two months of the date of the letter. Applicant respectfully requests consideration of the following remarks. Submitted herewith is the figure for the above-captioned application. However, Applicant contends that the figure was, in fact, effectively deposited in the PTO with the application papers.

Applicant respectfully notes that on Filing Under 37 C.F.R. 1.53(b), in the Application Fee Transmittal submitted on June 26, 2001, and received by the PTO, applicant checked that the application claims benefit of application Serial No. 60/214,282, 60/214,995 and 60/267,963 under 35 U.S.C. §120 or 119(e). Thus, Applicant believes that the figure was disclosed to the PTO in a prior provisional application 60/267,963 (our case No. 00-42P3) on which priority is based (see enclosed copy of postcard with 5 sheets of drawings). As such, Applicant contends that the figure was effectively deposited in the PTO with the application papers.

File No.: 00-42

Under 35 U.S.C. §113, first sentence, the applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented. However, under 35 U.S.C. §113, second sentence, when the nature of the subject matter admits of illustration by a drawing, the lack of a drawing does not render the application incomplete provided the Applicant submits the drawing in timely response. Applicant contends that the figure is illustrative, comprises an alignment of SEQ ID NO:54 and SEQ ID NO:57 which are also disclosed in the specification and Sequence Listing, and submission of the figure is timely. Thus, Applicant trusts that a filing date will be accorded with the original presentation of the papers, despite the absence of the drawing (MPEP 608.02(a)). As the instant application serial number 09/829,949 is a regular application claiming priority from Serial Nos. 60/214, 282 (filed June 26, 2000), 60/214,995 (filed June 29, 2000), and particularly 60/267,963, filed on February 8, 2001 (see enclosed copy of postcard with 5 sheets of drawings), and the figure comprises an alignment of SEQ ID NO:54 and SEQ ID NO:57 also disclosed in the Sequence Listing, submission of the figure for the above-captioned application includes no new matter. For the convenience of the Examiner, and the USPTO, applicant encloses a copy of the Figure 2 for the above-captioned application.

Applicants claim small entity status. Please charge the total fee, estimated to be \$130.00, to ZymoGenetics, Inc., Deposit Account No. 26-0290. A duplicate of this sheet is enclosed.

Respectfully submitted,

Jennifer K. Johnson
Registration No. 43,696

Enclosures:

Figure 2 (2 pages)

Copy of postcard received by PTO for 60/267,963, filed February 8, 2001 showing 5 sheets of drawings

Copy of Notice of Omitted Item(s)

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WASHINGTON, D.C. 20231

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/892,949	06/26/2001	Cindy A. Sprecher	00-42

CONFIRMATION NO. 4092

FORMALITIES LETTER



OC00000007366652

Jennifer K. Johnson, J.D.
ZymoGenetics, Inc.
1201 Eastlake Avenue East
Seattle, WA 98102

Date Mailed: 01/25/2002

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 2 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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File No. 00-42P3

Patent Application entitled:

CYTOKINE RECEPTOR ZCYTOR17

Applicants: Cindy A. Sprecher, Scott R. Presnell, Zeren Gao, Kimberly E. Shoemaker, Monica L. Tackett, Theodore E. Whitmore, Joseph L. Kuijper, Mark F. Maurer, Rebecca A. Johnson, Janet A. Kramer, Jennifer A. Colemen

The USPTO hereby acknowledges receipt of the following:

1. Provisional Patent Application
(Number of Sheets: 152)
2. Figures (5 sheets of drawings)
3. Provisional Application Cover Sheet and Express Mail Certificate (in duplicate)
4. Sequence Listing (75 pages)

Via US Express Mail, label no. EL589081531US
on February 8, 2001

1c714 U.S. PRO
1c60/267963
02/08/01

DOCKETED 3-5-01ch